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Min-ji Kim, et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re Ex Parte Application of

Min-ji Kim, Phạm Ngọc Hân, Ji-hye
Mo, Hae-rin Kang, and H.I.L.,

Applicants.

) CASE NO. 5:24-mc-80160

) **DECLARATION OF DONGHOON**
) **SHIN IN SUPPORT OF**
) **APPLICANTS' *EX PARTE***
) **APPLICATION FOR AN ORDER**
) **PURSUANT TO 28. U.S.C. § 1782**
) **AUTHORIZING DISCOVERY IN**
) **AID OF A FOREIGN**
) **PROCEEDING**

I, Donghoon Shin, declare that:

1. I am over the age of 18 years old and I am competent to testify on the matters stated in this declaration. I have personal knowledge of the matters stated herein, unless expressly stated otherwise.

2. This declaration is in support of the Applicants' *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in a Foreign Proceeding ("Application").

3. I am the Vice President at ADOR Co., Ltd. ("ADOR"), a South Korean entertainment company and music label established in 2021 under the laws of the Republic of Korea ("Korea"). ADOR's principal place of business is in Seoul, Korea. One of my responsibilities at ADOR is to deal with social media issues, including but not limited to false, defamatory or harassing statements made about the company and/or its artists.

4. ADOR is a private company engaged in the entertainment business with a focus on managing NewJeans, a female k-pop group formed in 2022. The group consists of five members: Min-ji Kim, Phạm Ngọc Hân, Ji-hye Mo, Hae-rin Kang, and H.I.L. (the "Applicants").

5. An unidentified person(s) using the YouTube handle "@Chu_reub" (the "YouTuber(s)") published around thirty three (33) short-form videos ("Shorts"¹) about the Applicants between April 19, 2024 and June 2, 2024² on his or her YouTube channel titled "Chureub" (Korean original: "츄럽"). Attached as **Exhibit 1** is a true and correct screenshot of the YouTube channel as of June 17, 2024. The YouTube channel is active as of June 17, 2024³ and has 209 subscribers.

6. The YouTube Shorts contain false, defamatory and harassing statements about the Applicants. These include but are not limited to the following:⁴

- (a) YouTube Short titled "It's Hard" (Korean original: "딱딱해") dated April 29, 2024:⁵ Shows a clip of Hae-rin Kang holding a large stick with a voiceover saying "I saw it stick out in the morning, I saw it stick out during class, it sticks out when I need to pee" (Korean original: "아침에 봤는데 튀어나와 있고, 수업 중에 봤는데 튀어나와 있고, 소변 마려울 때 튀어나와 있고"). This wickedly manipulated Short received approximately 700 views and 12 'likes' as of June 17, 2024.

¹ Short-form videos typically last up to 60 seconds. See https://www.youtube.com/intl/en_id/creators/shorts/.

² All date and time references are based on Korea Standard Time (KST).

³ https://www.youtube.com/@Chu_reub.

⁴ I have reviewed the Korean original statements made in the Shorts and hereby confirm the accuracy of their English translation referenced in the subparagraphs.

(b) YouTube Short titled “Big Buttocks” (Korean original: “푸짐한 똥다라이”) dated May 1, 2024:⁶ Shows a clip of Hae-rin Kang focusing on her buttocks with voiceover music of a Korean nursery rhyme with the lyrics “Butt our baby’s butt” (Korean original: “엉덩이 우리아기 엉덩이”). This manipulated Short received approximately 639 views and 9 ‘likes’ as of June 17, 2024.

(c) YouTube Short titled “Looking At Bare Feet” (Korean original: 맨발을 보면서”) dated May 1, 2024:⁷ Shows a clip of H.I.L. (a minor), Hae-rin Kang, and Ji-hye Mo with beach towels wrapped around their bodies with a voiceover saying “Guys do you know there are places you feel satisfaction when you touch your own body? I’m not sure if you’ve heard of ‘masturbation’. Masturbation is satisfaction when you touch your own body..” (Korean original: “여러분 자신의 몸을 만졌을 때 만족감을 느끼는 곳이 있다라는 걸 알까요? 혹시 ‘자위’라고 들어봤는지 모르겠어요. 자위는 나의 몸이나 성리를 만졌을 때 만족...”). This manipulated Short received approximately 650 views and 7 ‘likes’ as of June 17, 2024.

(d) YouTube Short titled “I Love Milk” (Korean original: “아이럽우유”) dated May 3, 2024:⁸ Shows a clip of Phạm Ngọc Hân focusing on her breasts with voiceover music of a Korean nursery rhyme with the lyrics “I like milk, I like milk” (Korean original: ‘우유 좋아, 우유 좋아’). This manipulated Short received approximately 600 views and 8 ‘likes’ as of June 17, 2024.

(e) YouTube Short titled “Poo Tank” (Korean original: “똥탱크”) dated May 10, 2024:⁹ Shows a clip of Hae-rin Kang focusing on her buttocks with voiceovers stating “Woah it looks so yummy” (Korean original: “우와 진짜 맛있겠다”) and “it looks yummy” (Korean original: “맛있겠다”). This manipulated Short received approximately 590 views and 12 ‘likes’ as of June 17, 2024.

⁵ <https://www.youtube.com/watch?v=HgpWsUnvAHg>.

⁶ https://www.youtube.com/watch?v=F9E_9seXEA4.

⁷ <https://www.youtube.com/watch?v=yHiwImeY62o>.

⁸ <https://www.youtube.com/watch?v=H23reABB1Mg>.

7. Furthermore, the YouTuber(s) posted sexually suggestive and harassing statements about the Applicants on the YouTube platform. These include but are not limited to the following:¹⁰

(a) In the comment section of a YouTube clip¹¹ about the Applicants, the YouTuber(s) stated on May 23, 2024: “I use the word ‘self-made contents’ in a different way. I refer it to mean that I watch NewJeans and control my dick in a thick and powerful way. I watch the members even today and try hard” (Korean original: “저는 자킨이라는 단어를 다르게 씁니다 뉴진스를 보며 저의 자gee를 컨트롤 굶고 힘차게 하는것을 말하지요 오늘도 멤버들을 보며 자킨 열심히 해 봅니다). The YouTuber(s)’ comment was a response to another user, who stated: “I didn’t know the word ‘self-made contents’ before and have never looked up idol videos in my life but you really don’t know one’s life” (Korean original: “살면서 자킨이라는 단어도 몰랐고 평생에 아이돌 영상 찾아본적이 없는데 참 사람 인생은 모를 일이다...”).

(b) In the comment section of the same YouTube clip, the YouTuber(s) stated on or about May 23, 2024: “To cheer for girl group with my genital area” (Korean original: “걸그룹보면서 아랫도리로 응원하려고”). The YouTuber(s)’ comment was a reply to another user, who stated: “Why do you live?” (Korean original: “왜 살아?”).

(c) In the comment section of the same YouTube clip, the YouTuber(s) stated on or about May 23, 2024: “I want to make them a mom happily with multiple kids” (Korean original: “행복하게 다둥이엄마로 만들어주고 싶네요”). The YouTuber(s)’ comment was a reply to another user, who stated: “NewJeans, always be happy” (Korean original: “뉴진스 항상 행복해야해”).

Attached as **Exhibit 2** is a true and correct screenshot of these comments as of May 23, 2024, along with an English translation of the same. These comments have been reported and have been removed.

⁹ <https://www.youtube.com/watch?v=a8Ku9pCaw4Q>.

¹⁰ I have reviewed the Korean original comments and hereby confirm the accuracy of their English translation referenced in the subparagraphs.

8. However, it appears that the YouTuber(s) created a new YouTube handle “@newJJuts” and created a new YouTube channel titled “Min Hee Jit” (Korean original: “민희짓”) around May 2024. Attached as **Exhibit 3** is a true and correct screenshot of the YouTube channel as of May 29, 2024. The YouTuber(s) continued to post defamatory comments about the Applicants using this new YouTube handle. These include but are not limited to the following:¹²

(a) In the comment section of a YouTube clip about the Applicants,¹³ the YouTuber(s) stated on May 24, 2024: “I watch their cuteness and shake the Binky Bong between my legs that grew thick” (Korean original: “귀여운 그 모습을 보면서 굵게 일어난 다리사이 빙키봉을 흔들어봅니다”). The YouTuber(s)’ comment was a reply to another user, who stated: “Hye-in is so cute hahaha” (Korean original: “혜인이 왜케 귀엽냐 ㅋㅋㅋㅋ”).

(b) In the comment section of the same YouTube clip, the YouTuber(s) stated on May 24, 2024: “Even if a part-time employee blocks me I’m going to stick close like gum and leave comments. My forever No. 0 masturbation tool NewJeans” (Korean original: “저도 알바가 차단해도 껌처럼 찰싹 붙어서 댓글 남기고 할겁니다 나의 영원한 딸재료 0순위 뉴진스”). The YouTuber(s)’ comment was a reply to another user, who stated: “Guys don’t disappear like a bubble, stick close to me like gum. I cherish and adore you very much. My forever No. 0 NewJeans” (Korean original: 애들아 버블처럼 사라지지마 껌처럼 찰싹 붙어있어줘. 많이 아끼고 좋아해. 나의 영원한 0순위 뉴진스”).

Attached as **Exhibit 4** is a true and correct screenshot of these comments as of May 29, 2024, along with an English translation of the same.

9. Sometime between May 29, 2024 and June 2, 2024, it appears that the YouTuber(s) changed his or her YouTube handle from “@newJJuts” to “@BoJeans” and the name
///

¹¹ <https://www.youtube.com/watch?v=6ExTQxlgzLk&list=PLNy-PdPIJT7GIZycus7PvS7FiPJhrtMyI&index=1>

¹² I have reviewed the Korean original comments and hereby confirm the accuracy of their English translation referenced in the subparagraphs.

¹³ <https://www.youtube.com/watch?v=wP-IVGgNj-I>

1 of his or her YouTube channel also changed from “Min Hee Jit” (Korean original: “민희짓”) to
 2 “BoJeans” (Korean original: “보진스”).¹⁴ Attached as **Exhibit 5** is a true and correct screenshot of
 3 the YouTube channel as of June 17, 2024.

4 10. The YouTuber’s Shorts and comments have inflicted and continue to inflict
 5 significant reputational damage on the Applicants. As a result, false allegations, defamatory and/or
 6 harassing statements made by the anonymous YouTuber(s) against the Applicants, ADOR and/or
 7 its other artists can cause damage to both those being attacked and the company. To date, ADOR’s
 8 efforts to locate this anonymous person(s) by searching publicly available information has not
 9 been successful and it has failed to find the true identity of the YouTuber(s).

10 11. Based on the YouTube handle names, and the words and expressions in these
 11 Shorts and comments that were published in the original Korean language, we believe that the
 12 YouTuber(s) is a native Korean speaker and is likely to be based in Korea. To date, we have not
 13 discovered anything that would indicate he or she is a non-Korean citizen or is residing in the US.

14 12. On June 26, 2024, the Applicants filed a civil lawsuit against the anonymous
 15 YouTuber(s) in Seoul, Korea (“**Korean Civil Matter**”) for publishing defamatory YouTube
 16 videos. The Applicants are claiming defamation pursuant to Articles 750 and 751 of the Civil Act
 17 of Korea against the YouTuber(s). I am informed and believe that the YouTuber’s defamatory
 18 statements made against H.I.L., a minor under the age of 18 years old, is also a violation of Article
 19 17, Paragraph 5, of the Child Welfare Act of Korea.

20 13. Unless the true identity of the anonymous YouTuber(s) is revealed, the Applicants
 21 will not be able to proceed with the Korean Civil Matter. As a result, the Applicants intend to use
 22 the identity of the anonymous YouTuber(s) for the Korean Civil Matter.


23 14. The anonymous YouTuber’s false, defamatory and/or harassing statements¹⁵ have
 24 caused irreparable harm to the Applicants and ADOR’s business. We look forward to identifying
 25 the persons responsible for these statements so that the Applicants’ rights can be recognized by the
 26 Korean courts.

27 ¹⁴ When I enter in the URL <https://www.youtube.com/@newJJuts>, I am directed to the “BoJeans” YouTube channel
 28 (also accessible at <https://www.youtube.com/@boJeans>). “Jut” is a vulgar term referring to female chest and
 “BoJee” is a vulgar term referring to female genital area in Korean. Any native Korean speakers would think of
 those words when encountering “newJJuts” or “boJeans”.

¹⁵ Since these statements have already been published, we are not seeking any communications or contents of any
 communications through the Applicants’ Section 1782 request for limited discovery.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
2 United States of America that the foregoing is true and correct.

3 Executed on June 27, 2024
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8 DONGHOON SHIN
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Exhibit 1

YouTube

Home

Shorts

Subscriptions

You

History

Sign in to like videos, comment, and subscribe.

Sign in

Explore

Trending

Shopping

Music

Movies

Live

Gaming

Sports

Courses

Podcasts

More from YouTube

YouTube Premium

YouTube Music

YouTube Kids

Settings

Report history

Help

Search

Q

췑룹

@Chu_reub • 209 subscribers • 47 videos

More about this channel ...more

Subscribe

Home

Videos


Shorts

Playlists

Q


Videos

▶ Play all




울장해지는 기싸움

176 views • 2 weeks ago



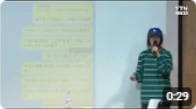
어른들의 대화

242 views • 4 weeks ago



먹는 모습 모음


852 views • 1 month ago



드루와


1.1K views • 1 month ago

Shorts




잠금장치

66 views




후면 비아그라

85 views




맨발 너무 조아

86 views




스시 여고생

87 views



입의 사용방법

205 views



대륙님

231 views

Exhibit 2

[Korean original]

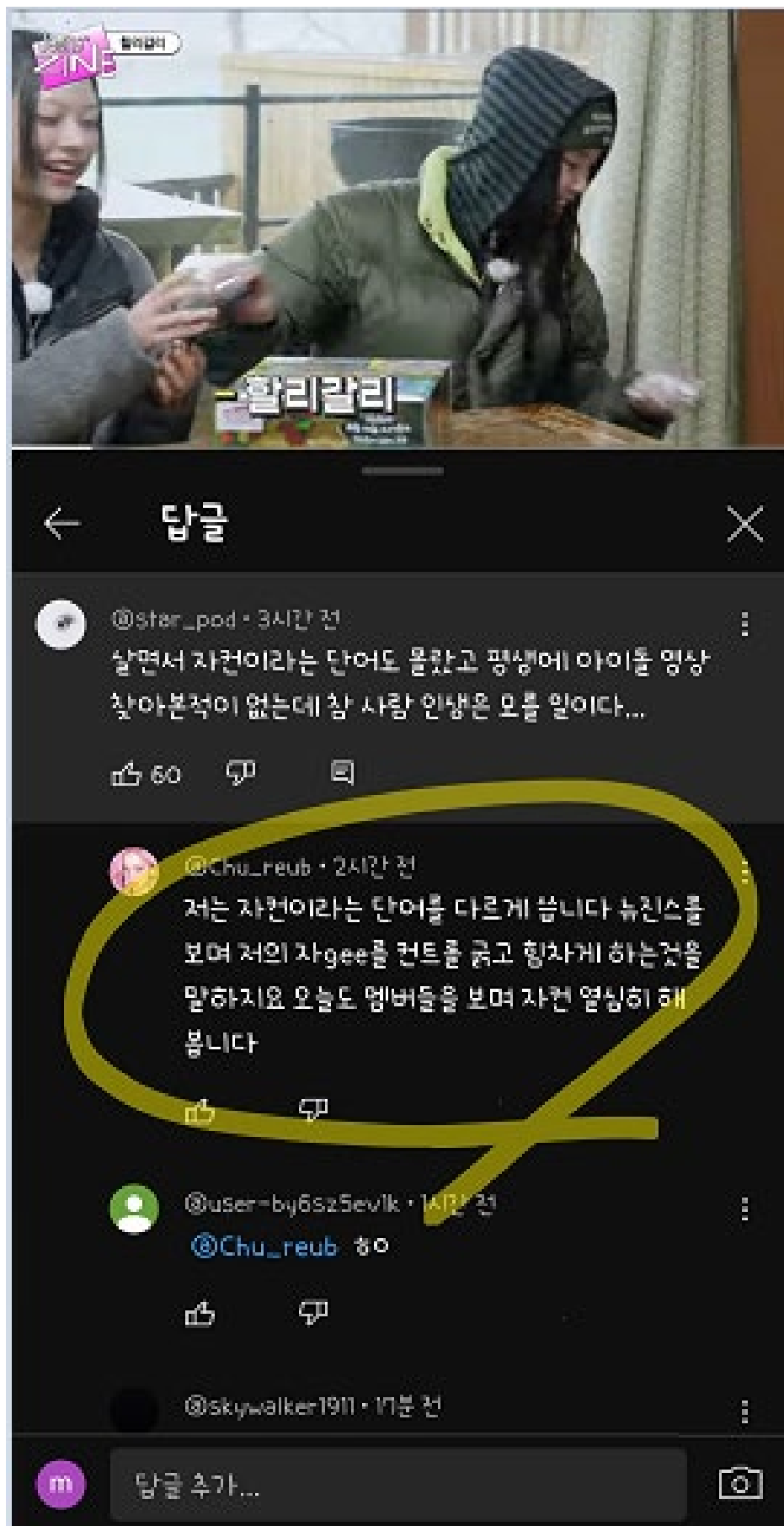


Exhibit 2

[Korean original]

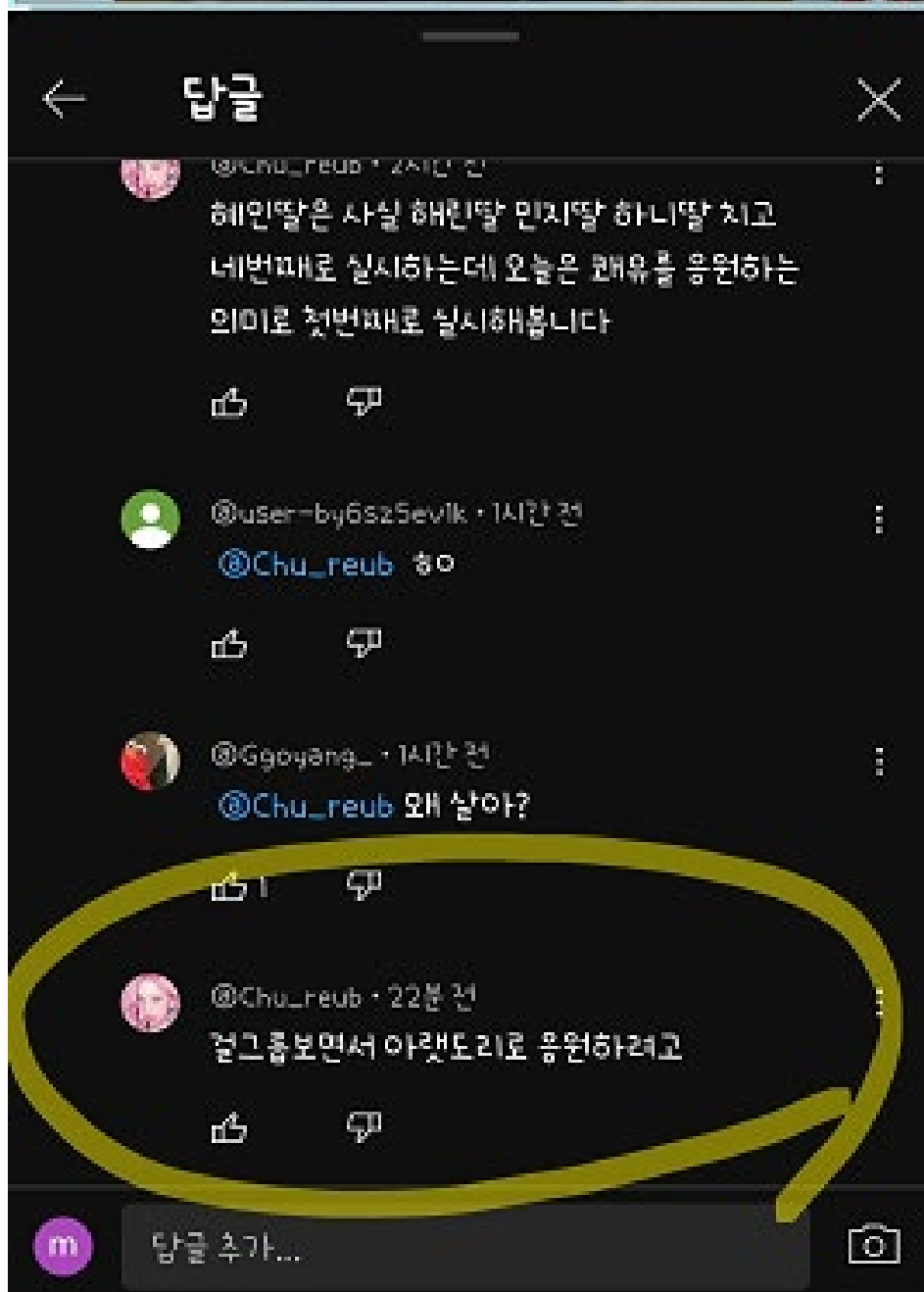


Exhibit 2

[Korean original]

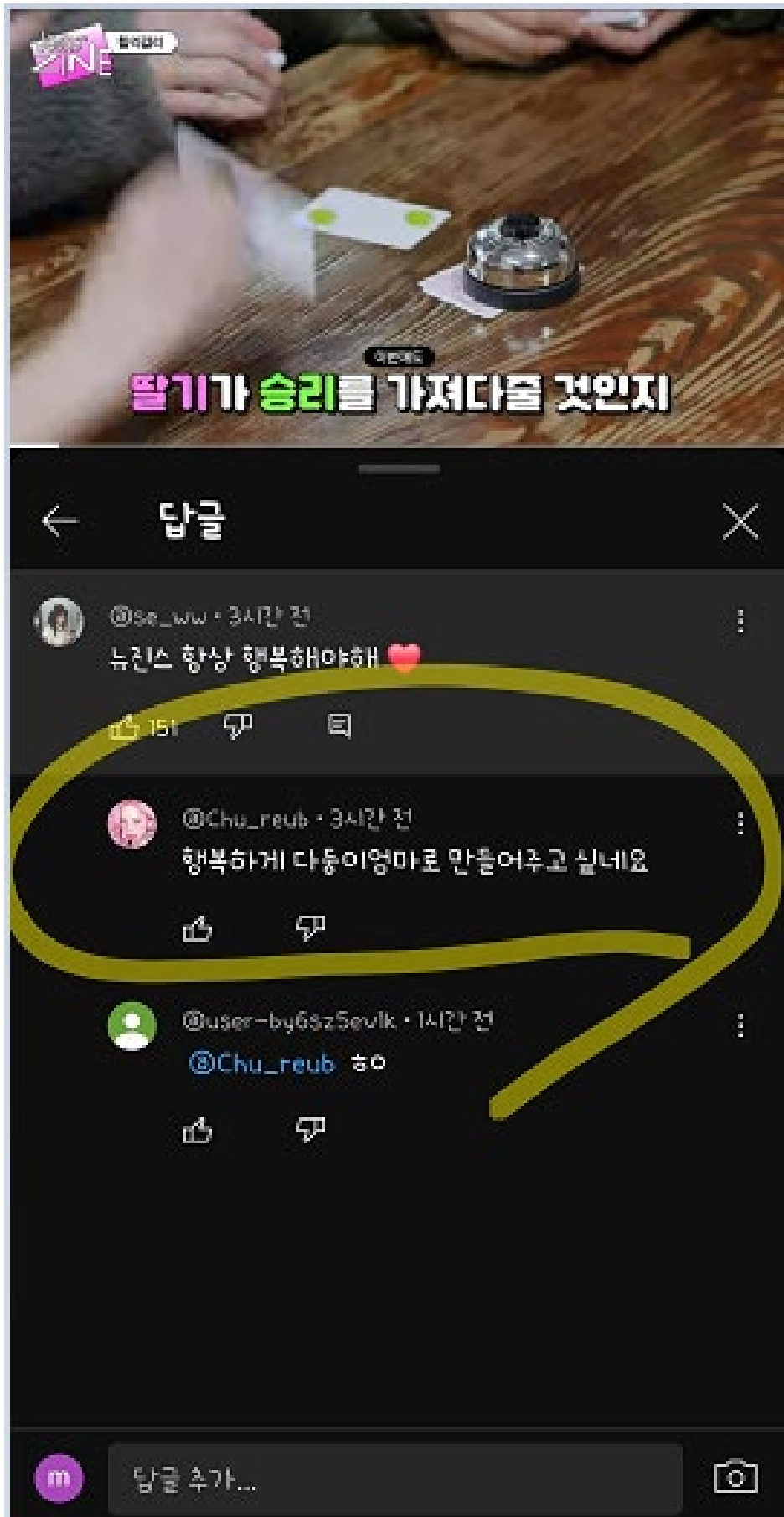


Exhibit 2

[English translation]

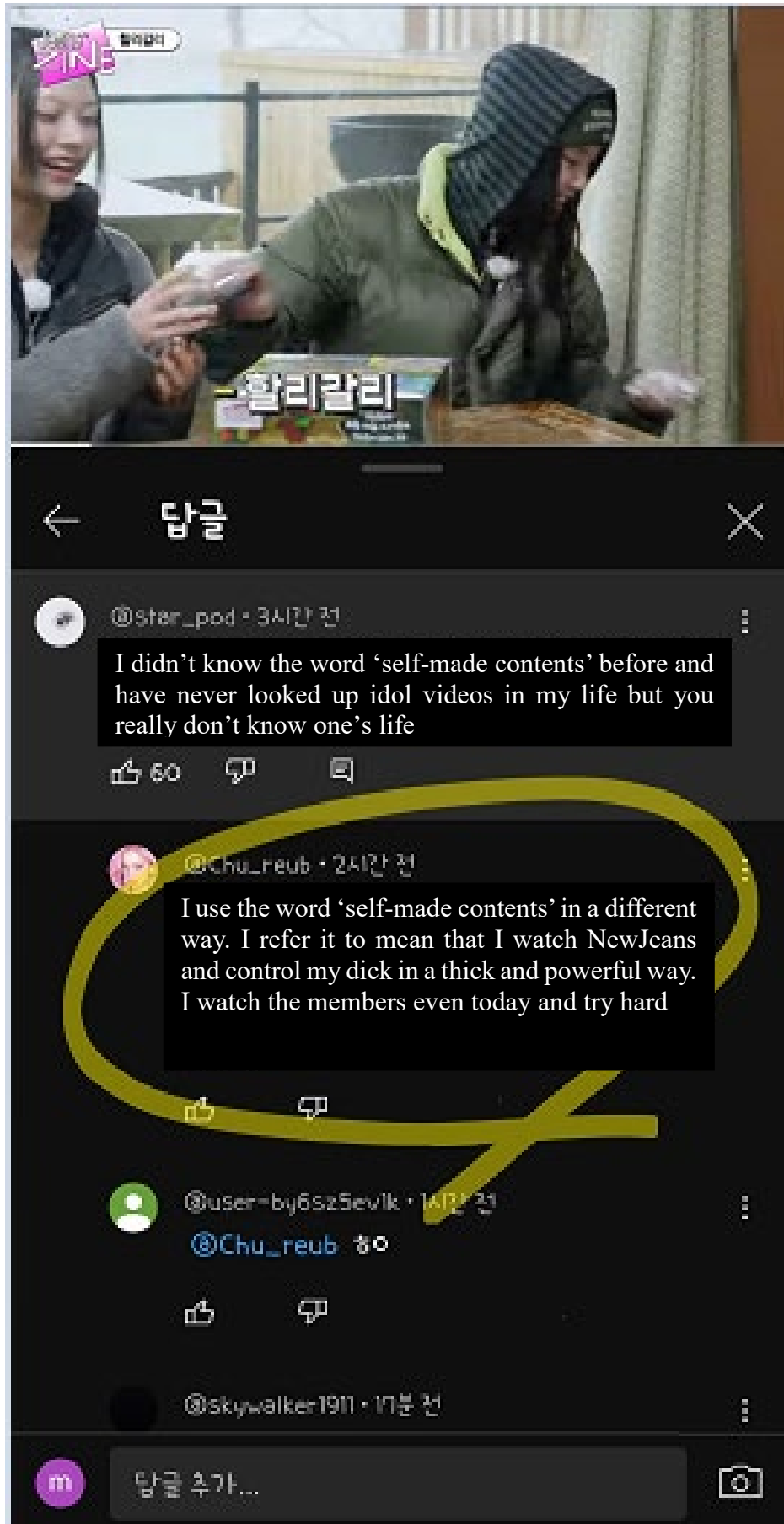


Exhibit 2

[English translation]



Exhibit 2

[English translation]





홈



Shorts



구독

나 >



시청 기록



재생목록



나중에 볼 동영상



좋아요 표시한 동영...

**민희짓**

@newJJuts

채널 자세히 알아보기 >

탐색



인기 급상승



쇼핑



음악



영화



실시간



게임



스포츠



학습 프로그램



팟캐스트

YouTube 더보기



YouTube Premium



YouTube Music



YouTube Kids

Exhibit 4

[Korean original]



@BigToryBurch · 14시간 전

혜인이 왠케 귀엽나 ㅋㅋㅋㅋ

답글 답글 6개 ^ 733



@Rescene_fan1 · 13시간 전

She's my sweet Potato. 💖🍷

답글 8



@eotech4250 · 9시간 전

진짜 지켜보겠어~ 너무 귀여워

답글 8



@inanewatmosphere2474 · 8시간 전

알고보면 막내가 리더같은 팀....

답글 8



@newJJuts · 7시간 전

귀여운 그 모습을 보면서 굳게 일어난 다리사이 빙키봉 흔들어봅니다

답글 2



@user-bo3mo4sd6o · 1시간 전

@inanewatmosphere2474 하지만 뉴진스는 리더가 없는 팀이라는거

답글



@__whatyoureta__ · 42분 전

@newJJuts 넌 작지않음?

답글



@Qwbno11knygv11 · 9시간 전

애들아 버블처럼 사라지지만 껌처럼 찹쌀 붙어있어줘. 많이 아끼고 좋아해. 나의 영원한 0순위 뉴진스

답글 답글 3개 ^ 149



@newJJuts · 7시간 전

저도 알바가 차단해도 껌처럼 찹쌀 붙어서 댓글 남기고 남기고 할겁니다 나의 영원한 딸재료 0순위 뉴진스

답글 3

Exhibit 4*[English translation]*

@BigToryBurch · 14시간 전

Hye-in is so cute hahah

답글 6개 733



@Rescene_fan1 · 13시간 전

She's my sweet Potato. 🍷💕

답글 8



@eotech4250 · 9시간 전

진짜 지켜보겠어~ 너무 귀여워

답글 8



@inanewatmosphere2474 · 8시간 전

알고보면 막내가 리더같은 팀....

답글 8



@newJJuts · 7시간 전

I watch their cuteness and shake the Binky Bong between my legs that grew thick

답글 2



@user-bo3mo4sd6o · 1시간 전

@inanewatmosphere2474 하지만 뉴진스는 리더가 없는 팀이라는거

답글



@__whatsyoureta__ · 42분 전

@newJJuts 넌 작지않음?

답글



@Qwbno11knygv11 · 9시간 전

Guys don't disappear like a bubble, stick close to me like gum. I cherish and adore you very much. My forever No. 0 NewJeans

답글 3개 149



@newJJuts · 7시간 전

Even if a part-time employee blocks me I'm going to stick close like gum and leave comments. My forever No. 0 masturbation tool NewJeans

답글 3

Exhibit 5

YouTube^{KR}

Home

Shorts

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You

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Sign in to like videos, comment, and subscribe.

Sign in

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Podcasts

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YouTube Premium

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YouTube Kids


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Report history

Help

Search

Sign in




보진스

@BoJeans

More about this channel ...more

Subscribe

Home



This channel doesn't have any content